



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 4782-00
31 January 2001

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 21 May 1965 at the age of 19. Your record reflects that you served for two years and four months without incident but on 15 September 1967 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and breaking restriction. The punishment imposed was restriction and extra duty for 20 days and a suspended reduction to paygrade E-2. On 9 November 1967 you were convicted by summary court-martial (SCM) of a seven day period of unauthorized absence (UA) and were sentenced to confinement at hard labor for 10 days and a \$40 forfeiture of pay.

Your record further reflects that on 22 April 1968 you were convicted by special court-martial (SPCM) of a 101 day period of UA. You were sentenced to a \$297 forfeiture of pay, confinement at hard labor for three months, and reduction to paygrade E-2. On 21 August 1968 you received NJP for absence from your appointed place of duty and were awarded a \$75 forfeiture of pay and restriction for 30 days.

On 30 January 1969 you were convicted by SPCM of a 104 day period of UA and failure to obey a lawful order. You were sentenced to reduction to paygrade E-1, a \$280 forfeiture of pay, confinement at hard labor for four months, and a bad conduct discharge (BCD). On 2 May 1969 you submitted a written statement for immediate execution of the BCD. The statement noted, in part, as follows:

I feel that the Navy has cost me my family and four of the best years of my life and I could not go back and be any good to the Navy or to myself.

Subsequently, the BCD was approved at all levels of review and ordered executed. On 20 May 1969 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you were having domestic problems after you returned from Vietnam. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct, especially your frequent and lengthy periods of UA, which resulted in three court-martial convictions and two NJPs. Further, there is no evidence in the record, and you submitted none, to support your contention. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director